

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BOBBY WOOD,
JAMES WOOD,**

Plaintiffs,

v.

No. 12-cv-0006 JAP/SMV

ENERLEX, INC.,

Defendant.

ORDER SETTING SETTLEMENT CONFERENCE

THIS MATTER is before the Court on the Rule 16 Scheduling Conference, held on March 29, 2012. To facilitate a final disposition of this case, a mandatory Settlement Conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **Tuesday, July 17, 2012 at 9:00 a.m.** in the courtroom, third floor, United States Federal Courthouse, 500 North Richardson, Roswell, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person.

No later than **July 3, 2012**, Plaintiffs shall serve on Defendant a letter setting forth at least the following information: (a) a brief summary of the evidence and legal principles that Plaintiffs assert will allow them to establish liability; (b) a brief explanation of why damages or other relief would be warranted; (c) an itemization of the principles supporting those damages; and (d) a settlement demand.¹ No later than **July 7, 2012**, Defendant shall serve on Plaintiffs a letter that sets

¹If the parties have engaged in settlement negotiations, Plaintiffs' demand should be lower than Plaintiffs' most recent demand.

forth at least the following information: (a) any points in Plaintiffs' letter with which the defense agrees; (b) any points in Plaintiffs' letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a counteroffer.² If a release is contemplated, defense counsel shall include a proposed form of release with the letter. Each of these letters typically should be five pages or fewer, and counsel must ensure that each party reads the opposing party's letter before the Settlement Conference. If the case does not settle, Plaintiffs shall provide copies of these letters to the Court no later than **5:00 p.m. on Tuesday, July 10, 2012.**

No later than **5:00 p.m. on Tuesday, July 10, 2012**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case. Position statements must be submitted to the Court by e-mail at **VidmarChambers@nmcourt.fed.us.**

Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must submit a copy of the recording to the Court no later than **5:00 p.m. on Tuesday, July 10, 2012.**

The Settlement Conference may not be vacated or rescheduled except upon motion for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

²If the parties have engaged in settlement negotiations, Defendant's counteroffer should be higher than Defendant's most recent counteroffer.

IT IS THEREFORE ORDERED that the deadlines shall be as follows:

Plaintiffs' letter and settlement offer to Defendants:	July 3, 2012
Defendants' letter and counteroffer to Plaintiffs:	July 7, 2012
Plaintiffs provide copies of settlement letters to the Court:	July 10, 2012 by 5:00 p.m.
Plaintiffs' confidential position statement to the Court:	July 10, 2012 by 5:00 p.m.
Defendants' confidential position statement to the Court:	July 10, 2012 by 5:00 p.m.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge